

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EVAN RAY ATKINSON,

Defendant.

3:22-CR-00004-ART-CSD

Preliminary Order of Forfeiture

This Court finds Evan Ray Atkinson pled guilty to Count One of a Six-Count Criminal Indictment charging him with theft of explosive material from permittee in violation of 18 U.S.C. § 844(*l*). Criminal Indictment, ECF No. 14; Change of Plea, ECF No. 52; Plea Agreement, ECF No. 57.

This Court finds Evan Ray Atkinson agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 14; Change of Plea, ECF No. 52; Plea Agreement, ECF No. 57.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment and the offense to which Evan Ray Atkinson pled guilty.

The following property is any explosive materials involved or used or intended to be used in any violation of 18 U.S.C. § 844(*l*) and is subject to forfeiture pursuant to 18 U.S.C. § 844(c)(1):

1. 39 sticks of Dyno Nobel, DYNOSPLIT D, Dynamite;
2. 52 Dyno Nobel, Trojan Spartan 200 Gram Boosters;

3. 19 Dyno Nobel, 10 Gram Stinger Boosters;
4. 121 Martin & Shaft LLC Pull Wire Fuse Lighters;
5. 2,200 feet of Austin Powder Company Lite Line (15 grain) Detonating Cord;
6. 2,100 feet Ensign Bickford Primacord (50 grain) Detonating Cord;
7. 1,100 feet Austin Powder Company A-Cord (25 grain) Detonating Cord;
8. 1,000 feet unknown manufacturer Time/Safety Fuse;
9. 2,000 feet Atlas Powder Company #25 (25 grain) Detonating Cord; and
10. 2,400 feet ORICA, Cordtex 18 (18 grain) Detonating Cord, or comparable explosives compound

(all of which constitutes property).

This Court finds that on the government's motion, the Court may at any time enter an order of forfeiture or amend an existing order of forfeiture to include subsequently located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights, ownership rights, and all rights, titles, and interests of Evan Ray Atkinson in the aforementioned property are forfeited and are vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the time under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the

1 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
 2 and 21 U.S.C. § 853(n)(2).

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
 4 or entity who claims an interest in the aforementioned property must file a petition for a
 5 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
 6 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
 7 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
 8 right, title, or interest in the forfeited property and any additional facts supporting the
 9 petitioner's petition and the relief sought.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
 11 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal
 12 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty
 13 (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
 14 after the first day of the publication on the official internet government forfeiture site,
 15 www.forfeiture.gov.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
 17 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
 18 Attorney's Office at the following address at the time of filing:

19 Daniel D. Hollingsworth
 20 Assistant United States Attorney
 21 501 Las Vegas Boulevard South, Suite 1100
 Las Vegas, Nevada 89101.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
 23 described herein need not be published in the event a Declaration of Forfeiture is issued by
 24 the appropriate agency following publication of notice of seizure and intent to
 25 administratively forfeit the above-described property.


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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
2 copies of this Order to all counsel of record.

3 DATED August 26, 2022.

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6 ANNE R. TRAUM
7 UNITED STATES DISTRICT JUDGE
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